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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,913	07/16/2003	Paolo Targetti	741014.1017	2821

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EXAMINER

NEGRON, ISMAEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,913

Applicant(s)

TARGETTI, PAOLO

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on July 22, 2005 has been entered. Claims 4 and 5 have been amended. No claim has been cancelled, or added. Claims 1-5 are still pending in this application, with claims 1, 4 and 5 being independent.
2. The drawings were received on July 22, 2005. These drawings are acceptable.

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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3. The abstract of the disclosure is objected to because it uses phrases which can be implied. Correction is required. See MPEP § 608.01(b).

The Examiner respectfully suggests amending the abstract to read:

An anti-dazzle raster for tubular light sources ~~is disclosed. The raster comprises~~ includes, for example, at least two side pieces and a plurality of transverse partitions that extend between the pieces. The side pieces are made of a relatively rigid and resistant material, and the partitions are grouped into modular units. Each unit includes a selected number of partitions connected to one another by at least two generally parallel connection bars, and to the side pieces by a snap fit. The modular units are formed of a selected plastic material using injection molding.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over FISHMAN (U.S. Pat. 6,402,345).

5. FISHMAN discloses a louver assembly having:

- **a plurality of side pieces (as recited in Claim 1), Figure 1, reference number 14;**
- **the side pieces being made of a generally rigid material (as recited in Claim 1), inherent;**
- **a plurality of transverse partitions (as recited in Claim 1), Figure 1, reference numbers 26 and 28;**
- **the partitions extending between the side pieces (as recited in Claim 1), as seen in Figure 1;**
- **the partitions being grouped in modular units (as recited in Claim 1), as seen in Figure 1;**
- **each unit having a selected number of partitions (as recited in Claim 1), inherent;**
- **a connection bar (as recited in Claim 1), Figure 1, reference number 30;**
- **the selected number of partitions being connected to one another by the connection bar (as recited in Claim 1), column 2, lines 58-61;**
- **the unit being joined by snap-fit engagement to the side pieces (as recited in Claim 1), column 3, lines 3-10;**
- **the partitions being made of a polymeric material (as recited in Claim 1), column 3, lines 52-55;**

- **the partitions including teeth (as recited in Claim 3) , Figure 3, reference numbers 70 and 72;**
- **the teeth extending from the partitions in a generally lateral direction (as recited in Claim 3), as seen in Figure 3;**
- **the side pieces including seatings (as recited in Claim 2), column 3, lines 8-10;**
- **the lateral direction being suitable for snap-fit engagement with corresponding seatings (as recited in Claim 3), as evidenced by column 3, lines 3-10.**

6. FISHMAN discloses all the limitations of the claims, except the partitions being injection molded (as recited in Claim 1), or a plurality of relatively parallel connection bars (as recited in Claim 1).

7. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to injection mold the polymeric partitions of FISHMAN since such limitation refers only to the method of making the claimed partitions, failing to further limit the structure of such partitions. It appears that the claimed invention would perform equally well with the patented partition of FISHMAN, since the applicant has not disclosed that injection-molded partitions solves any un-expected problem or is for a particular reason. In addition, the Examiner takes Official Notice of the old and well known in the art status of injection molding as a manufacturing process for polymeric elements.

8. Regarding having a plurality of relatively parallel connection bars instead of the single connection bar disclosed by FISHMAN, It would have been obvious to one of ordinary skill in the art at the time the invention was made to include more than just one connection bar, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. In this case FISHMAN discloses a louver structure for a lamp 10 having two fluorescent tubes. Adapting the invention of FISHMAN for use in illumination devices having 3 or more fluorescent tubes would have required more than one central reflector 30 (as evidenced by column 3, lines 13-26), such necessary modifications flowing naturally to one of ordinary skill in the art.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over FISHMAN (U.S. Pat. 6,402,345) in view of MORGAN (U.S. Pat. 6,443,598).

10. FISHMAN discloses or suggests all the limitations of the claims, except the partitions having a substantially V-shaped section and a plurality of relatively symmetrical shoulders extending from an upper edge, the connecting bars being affixed to the outside faces of such shoulders (as recited in Claim 2).

11. MORGAN discloses a louver assembly having:

- **a plurality of side pieces (as recited in Claim 1), Figure 2,**
reference number 6;

- **the side pieces being made of a generally rigid material (as recited in Claim 1), inherent;**
- **a plurality of transverse partitions (as recited in Claim 1),**
Figure 1, reference number 10;
- **the partitions extending between the side pieces (as recited in Claim 1), as seen in Figure 2;**
- **the partitions being grouped in modular units (as recited in Claim 1), as seen in Figure 1;**
- **each unit having a selected number of partitions (as recited in Claim 1), inherent;**
- **the partitions being joined by snap-fit engagement to the side pieces (as recited in Claim 1), as seen in Figure 2;**
- **the partitions being injection molded of a polymeric material (as recited in Claim 1), column 4, lines 14-18;**
- **the partitions having a substantially V-shaped section (as recited in Claim 2), as seen in Figure 1; and**
- **the partitions including a plurality of relatively symmetrical shoulders extending from an upper edge (as recited in Claim 2), as seen in Figure 3.**

12. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the partitions of MORGAN in the structure of

FISHMAN to increase the illumination efficiency of the lamp structure while removing un-wanted glare, as per the teachings of MORGAN (see column 1, lines 11-15).

Allowable Subject Matter

13. Claims 4 and 5 are allowed.

14. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches a louver assembly including a plurality of injection molded partitions, such partitions being snap-fitted to and extending between a plurality of side pieces. The partitions are grouped into modular units, such units including a selected number of partitions connected to one another by a plurality of relatively parallel connecting bars. The bars project beyond the partition ends a distance equal to about one half of the distance between two adjacent partitions.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically bars projecting beyond the partition ends a distance equal to about one half of the distance between two adjacent partitions, in combination with the claimed structure.

Response to Arguments

15. Applicant's arguments filed July 22, 2005 have been fully considered but they are not persuasive.

16. Regarding the Examiner's rejection of claim 1 35 U.S.C. 103(a) as being unpatentable over FISHMAN (U.S. Pat. 6,402,345), the applicant argues that the cited reference fails to disclose all the features of the claimed invention, specifically a raster made of two distinct and different materials (aluminum for the side pieces and plastic for the modular element).

17. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (e.g., a raster made of two distinct and different materials, such as aluminum for the side pieces and plastic for the modular element) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

However, even if such two distinct and different materials were positively recited, Claim 1 would still be unpatentable over FISHMAN, since it has been held by the courts that selection of a prior art material on the basis of its suitability for its intended purpose is within the level of ordinary skill. *In re Leshing*, 125 USPQ 416 (CCPA 1960) and *Sinclair & Carroll Co. v. Interchemical Corp.*, 65 USPQ 297 (1945).

In this case, FISHMAN discloses an anti-dazzle raster formed by a pair of side reflectors 58, a connecting bar 30, and a plurality of transverse partitions 26 and 28 (see Figure 1). Partitions 26 are opaque (column 3, line 44), while partitions 28 are transparent and made of a material such as plastic or glass (column 3, lines 52-55). Conventional anti-dazzle rasters are made of a metallic material, with sheet metal of aluminum, or an aluminum alloy, being the preferred material. See Section 8 of the prior Office Action. One of ordinary skill in the art at the time the invention was made would have recognized that the anti-dazzle raster of FISHMAN with its opaque and transparent partitions was made of a combination of a metallic material and a polymeric material (e.g. aluminum and plastic).

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached at (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



THOMAS M. SEMEL
PRIMARY EXAMINER



Inr

September 8, 2005